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SUPREME COURT, U.S.

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1978

No. 79-145

THE STATE OF CALIFORNIA, Petitioner

v.

PAUL MICHAEL MINJARES, Respondent

MOTION FOR LEAVE TO PROCEED
IN FORMA PAUPERIS

Respondent, Paul Michael Minjares, moves the Court for leave to file his Memorandum in Opposition to the Petition for Writ of Certiorari, previously lodged with the Clerk herein, and to proceed in forma pauperis pursuant to Rule 53 of the Rules of this Court.

The respondent's affidavit in support of this motion is attached hereto.

C Douglas Floyd

C. Douglas Floyd,
Attorney for Respondent
225 Bush Street
Mailing Address P.O. Box 7880
San Francisco, CA 94120
Telephone: (415) 983-1000

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THE STATE OF CALIFORNIA, Petitioner

v.

PAUL MICHAEL MINJARES, Respondent

AFFIDAVIT OF PAUL MICHAEL MINJARES

STATE OF CALIFORNIA,)
) ss.
City and County of San Francisco.)

PAUL MICHAEL MINJARES, being duly sworn, deposes and says:

1. I am the respondent in the above entitled case.

2. Because of my poverty, I am unable to pay the costs of said cause or give security for the same.

3. I believe that the petition for a writ of certiorari in the above case should be denied.

4. Said petition for a writ of certiorari seeks review of the decision of the California Supreme Court reversing my conviction of two counts of first degree robbery on the ground that the warrantless search of a tote bag found in an automobile trunk after my arrest was unlawful under the Fourth Amendment.

Dated at San Francisco, California, this 17th day of August, 1979.

Paul M Minjares
Paul Michael Minjares

Subscribed and sworn to before me this 17 day of August, 1979.

Cheryl M. Roy
CHERYL M. ROY
NOTARY PUBLIC
State of California

OFFICIAL SEAL
CHERYL M. ROY
NOTARY PUBLIC - CALIFORNIA
PRINCIPAL OFFICE IN
SAN FRANCISCO COUNTY
COMM. EXP. MAR. 24, 1981

SUPREME COURT OF THE UNITED STATES

CERTIFICATE OF SERVICE BY MAIL

I, CHESNEY DOUGLAS FLOYD, certify as follows:

I am an active member of the bar of this Court and am not a party to the within cause;

My business address is 225 Bush Street, San Francisco, California 94104;

On August 17, 1979, I served all parties required to be served by depositing a copy of the attached Motion to Proceed in Forma Pauperis and supporting affidavit in an envelope addressed to:

George Deukmejian, Attorney General
Patricia D. Benke, Deputy Attorney General
110 West A. Street, Suite 600
San Diego, California 921-1

which envelope, with airmail postage thereon fully prepaid, was then sealed and deposited in the United States mail in the City and County of San Francisco, State of California.

Chesney Douglas Floyd

Chesney Douglas Floyd